

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

MICHAEL K. KAWAHARA 1460
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: 541-2850
Facsimile: 541-2958
Mike.Kawahara@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-0399DAE-03
)	
Plaintiff,)	MOTION FOR DEPARTURE DOWNWARD
)	IN SENTENCING DEFENDANT
VS.)	
)	
GLENN P. FERNANDEZ,)	Sentencing date: 9/29/06 at
)	8:30 a.m., before the Hon.
Defendant.)	David Alan Ezra, U.S.
_____)	District Judge

MOTION FOR DOWNWARD DEPARTURE
IN SENTENCING DEFENDANT

The United States of America, by and through its undersigned counsel, hereby moves this Honorable Court to depart downwards in imposing sentence upon defendant above-named, due to his substantial assistance to and cooperation with law enforcement authorities in the investigation or prosecution of other persons who have committed an offense.

This motion is made pursuant to 18 U.S.C. 3553(e) and U.S. Sentencing Commission Guideline 5K1.1, and is based upon the information contained in the sealed "Factual Basis for Motion for Departure Downward in Sentencing Defendant", filed concurrently herewith.

DATED: Honolulu, Hawaii, September 25, 2006.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Michael K. Kawahara
MICHAEL K. KAWAHARA
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that, on the dates and by the methods of service noted below, a true and correct copy of the foregoing was served on the following at their last known addresses:

Served Electronically through CM/ECF:

Rustam Barbee rustam@honoluluattorney.com September 26, 2006

Attorney for Defendant
Glenn P. Fernandez

Served by hand-delivery:

Probation Officer September 26, 2006
300 Ala Moana Blvd.,
Box 50111, Rm. C-126
Honolulu, HI 96850

/s/ Rowena N. Kang